

**From:** Alan Miller  
**To:** Microsoft ATR  
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**Subject:** Microsoft Proposed Final Judgement

22 January, 2002

Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
Suite 1200  
601 D Street NW  
Washington, DC 20530-0001

Ms. Hesse,

I am writing to add my name to the list of people opposed to the Proposed Final Judgement in the United States v. Microsoft antitrust case.

As a software developer with 11 years of business experience, I have watched Microsoft's rise to dominance in several markets and been dismayed by many of the techniques it has used to attain and maintain dominance at the expense of other companies, competing software platforms and consumers such as myself. Still, while I have often found Microsoft's techniques distasteful and unethical, I am far less concerned about remedies for its past behavior than I am about ensuring that the same types of behavior are prevented in the future.

From my reading of the Proposed Judgement those remedies that actually work against Microsoft would be ineffective against a company determined to bypass them and would not even constitute significant obstacles in that bypassing process, further in many cases the remedies and definitions seem to have been specifically crafted to make them effectively nonexistent or to actually strengthen Microsoft's position in current or potential future markets. That Microsoft will work to bypass the original intent of the Judgement is clear for both technical and business practices - even during the course of the trial and settlement negotiations it continued to use tactics that should be blocked by a solid agreement.

As an example, the future direction of Microsoft's focus has just this month been declared to be security, while under the Proposed Judgement anything related to security need not be disclosed even if such would otherwise be mandatory. Under a strict reading, if Microsoft adds even rudimentary security interfaces to its APIs then none of those APIs need be disclosed and there is no penalty for not disclosing them - a requirement for receiving documentation for those APIs is that any business needing it must meet Microsoft-developed standards of business

viability; non-businesses need not apply at all because access will simply not be available.

Overall, I feel that the Proposed Final Judgement is deeply flawed and should be substantially revised to remove these flaws before being accepted. A software and content monoculture such as Microsoft clearly wishes to have in place harms all of us in the long term, even Microsoft and its investors.

Sincerely,  
Alan J. Miller  
Des Plaines, IL

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